

CITY COUNCIL  
ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE 02- R-2125

**A RESOLUTION AUTHORIZING THE  
SETTLEMENT OF THE CLAIM OF CORLISS  
S. SIMS IN THE AMOUNT OF \$8,180.00  
AGAINST THE CITY OF ATLANTA**

**WHEREAS**, CORLISS S. SIMS, has filed a claim against the City of Atlanta seeking damages to her vehicle; and

**WHEREAS**, the damage to CORLISS S. SIMS' vehicle occurred when she drove over manholes that were left exposed during a street re-paving project that created a hazardous street condition; and

**WHEREAS**, the City of Atlanta was on notice of said nuisance and has subsequently made an attempt to abate said nuisance; and

**WHEREAS**, the construction and maintenance of public roads is a ministerial function and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and;

**WHEREAS**, the claimant has asserted damages in the amount of \$8,180.00 and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

**WHEREAS**, the City Attorney has recommended that the claim of CORLISS S. SIMS, be settled for the sum of \$8,180.00.

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that \$8,180.00 be paid by the City of Atlanta to CORLISS S. SIMS, in satisfaction of any and all claims she may have stemming from damages sustained to her vehicle on or about August 25, 2002, on Burbank Drive, NW and that the City Attorney prepare appropriate releases.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

A true copy,

Deputy Clerk

ADOPTED by the Council  
APPROVED by the Mayor

DEC 02, 2002  
DEC 05, 2002

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0788

Date: November 26, 2002

Claimant /Victim CORLISS S. SIMS  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: P. O. Box 960931, Riverdale, Georgia 30296  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 8,180.00 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 11/1/02 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 8/25/02 Place: Burbank Drive  
Department PUBLIC WORKS Division Street  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** Claimant alleges that her vehicle sustained extensive damage after driving over several manholes that were exposed and above the surface of the street. An investigation determined that Burbank Drive had been milled down by the City in preparation for a resurfacing project. The Street Division has subsequently placed asphalt material around the manholes to abate the hazardous condition.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_


### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial X  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR- GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$ 8,180.00 Adverse \_\_\_\_\_ Account charged: 1A01 X 2P01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 11-26-02  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 4251  
12/02/02  
2:31 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-22; Except 02-O-2096;02-R-2094  
02-R-2114; 02-R-2118  
ADOPT

YEAS: 9  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 7  
EXCUSED: 0  
ABSENT 0

NV Smith	Y Archibong	Y Moore	Y Mitchell
NV Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	NV Maddox	NV Willis
Y Winslow	NV Muller	NV Boazman	NV Woolard

CONSENT I

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**12/02/02 Council Meeting**

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**ITEMS ADOPTED ON CONSENT  
AGENDA**

- |               |               |               |
|---------------|---------------|---------------|
| 1. 02-O-1925  | 31. 02-O-1920 | 62. 02-R-2104 |
| 2. 02-O-1926  | 32. 02-O-1921 | 63. 02-R-2112 |
| 3. 02-O-1927  | 33. 02-O-2001 | 64. 02-R-2113 |
| 4. 02-O-1928  | 34. 02-O-2097 | 65. 02-R-2115 |
| 5. 02-O-1929  | 35. 02-O-2098 | 66. 02-R-2116 |
| 6. 02-O-1969  | 36. 02-O-2099 | 67. 02-R-2117 |
| 7. 02-O-1976  | 37. 02-O-2100 | 68. 02-R-2125 |
| 8. 02-O-2095  | 38. 02-R-1593 | 69. 02-R-2126 |
| 9. 02-O-1998  | 39. 02-R-1848 | 70. 02-R-2016 |
| 10. 02-O-1892 | 40. 02-R-1849 | 71. 02-R-2017 |
| 11. 02-O-1903 | 41. 02-R-1850 | 72. 02-R-2018 |
| 12. 02-O-1907 | 42. 02-R-1985 | 73. 02-R-2019 |
| 13. 02-O-1139 | 43. 02-R-2003 | 74. 02-R-2022 |
| 14. 02-O-1292 | 44. 02-R-2004 | 75. 02-R-2060 |
| 15. 02-O-1913 | 45. 02-R-2009 | 76. 02-R-2061 |
| 16. 02-O-1930 | 46. 02-R-2010 | 77. 02-R-2062 |
| 17. 02-O-2103 | 47. 02-R-2011 | 78. 02-R-2069 |
| 18. 02-O-1922 | 48. 02-R-2012 | 79. 02-R-2072 |
| 19. 02-O-1923 | 49. 02-R-2013 | 80. 02-R-2074 |
| 20. 02-O-2091 | 50. 02-R-2014 | 81. 02-R-2122 |
| 21. 02-O-2092 | 51. 02-R-2057 | 82. 02-R-2023 |
| 22. 02-O-2105 | 52. 02-R-2058 | 83. 02-R-2064 |
| 23. 02-O-1396 | 53. 02-R-2073 | 84. 02-R-2065 |
| 24. 02-O-1792 | 54. 02-R-2015 | 85. 02-R-2066 |
| 25. 02-O-1914 | 55. 02-R-2059 | 86. 02-R-2070 |
| 26. 02-O-1915 | 56. 02-R-1216 | 87. 02-R-2028 |
| 27. 02-O-1916 | 57. 02-R-2119 | 88. 02-R-2029 |
| 28. 02-O-1917 | 58. 02-R-2123 | 89. 02-R-2030 |
| 29. 02-O-1918 | 59. 02-R-2055 | 90. 02-R-2031 |
| 30. 02-O-1919 | 60. 02-R-2063 | 91. 02-R-2032 |
|               |               | 92. 02-R-2033 |
|               |               | 93. 02-R-2034 |
|               |               | 94. 02-R-2035 |
|               |               | 95. 02-R-2036 |
|               |               | 96. 02-R-2037 |

**ITEMS ADVERSE ON CONSENT  
AGENDA**

- |                |                |
|----------------|----------------|
| 97. 02-R-2027  | 107. 02-R-2047 |
| 98. 02-R-2038  | 108. 02-R-2048 |
| 99. 02-R-2039  | 109. 02-R-2049 |
| 100. 02-R-2040 | 110. 02-R-2050 |
| 101. 02-R-2041 | 111. 02-R-2051 |
| 102. 02-R-2042 | 112. 02-R-2052 |
| 103. 02-R-2043 | 113. 02-R-2053 |
| 104. 02-R-2044 | 114. 02-R-2054 |
| 105. 02-R-2045 |                |
| 106. 02-R-2046 |                |

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Consent I Vote: 9 Yeas; 0 Nays (See RCS #4251)

Items Removed from the Consent Agenda: 02-O-2096; 02-R-2094; 02-R-2114; 02-R-2118

02-2125

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY & LEGAL  
ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING  
THE SETTLEMENT OF THE  
CLAIM OF CORLISS S. SIMS IN  
THE AMOUNT OF \$8,180.00  
AGAINST THE CITY OF  
ATLANTA

ADOPTED BY

By: *Rosalind Rubens Newell*  
Rosalind Rubens Newell  
Deputy City Attorney

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee

*PSLA*

Date

*11/26/02*

Chair

*[Signature]*

Action:

*Fav, Adv, Hold (see rev. side)*

Other:

Members

*[Signature]*

Refer To

Committee

Date

Chair

Action:

*Fav, Adv, Hold (see rev. side)*

Other:

Members

Refer To

Committee

Date

Chair

Action:

*Fav, Adv, Hold (see rev. side)*

Other:

Members

Refer To

Committee

Date

Chair

Action:

*Fav, Adv, Hold (see rev. side)*

Other:

Members

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

DEC 02 2002

CERTIFIED  
DEC 02 2002

*Rosalind Rubens Newell*  
MUNICIPAL CLERK

MAYOR'S ACTION

*[Signature]*  
MAYOR

DEC 05 2002

MAYOR